



ILLINOIS COMMERCE COMMISSION

April 27, 2006

County of Will, a body politic and corporate;
Petitioner,

Vs.

Elgin, Joliet and Eastern Railway Company, a Delaware Corporation; and
Illinois Department of Transportation;
Respondents.

Petition for an order to reconstruct Caton Farm Road, AAR/DOT #261 006K,
Milepost 14.16 in the City of Joliet, Will County, Illinois.

Mr. Sheldon C. Latz
Will County Highway Engineer
16841 West Laraway Road
Joliet, IL 60436

Dear Mr. Latz:

Receipt is acknowledged of the original and two (2) copies of the Petition filed April 27, 2006 in the above matter.

All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to www.icc.state.il.us and apply for an E-docket account.

Processing and Information Section

KI

Cc: Mr. Milton R. Sees, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Ken L. Hay, EJE
Mr. Arthur Schultz, City of Joliet, Mayor
Ms. Janet Traven, City of Joliet, Clerk

ORIGINAL

RECEIVED
APR 27 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

County of Will, a body politic and corporate;)
PETITIONER,)
)
vs.)
)
Elgin, Joliet and Eastern Railway)
Company, a Delaware Corporation;)
Illinois Department of Transportation;)
)
RESPONDENTS,)

T06-0027

PETITION

Now comes the County of Will (Petitioner), and respectfully petitions the Illinois Commerce Commission (Commission) as follows:

1. Petitioner is a body politic and corporate in the State of Illinois.
2. The Elgin, Joliet and Eastern Railway Company, a Delaware Corporation, is a registered rail carrier operating in the State of Illinois.
3. There is an existing vehicular crossing of the Elgin, Joliet and Eastern Railway Company main track at Caton Farm Road (AAR/DOT 261 006K, Milepost 14.16) in the City of Joliet.
4. The County of Will requests the reconstruction of the existing at-grade crossing to account for the proposed typical section as shown in Exhibit "A", Sheets 1 through 7 of the contract plans for Caton Farm Road improvement between County Line Road and Drauden Road as shown in Exhibit "B", all of which are attached hereto and made a part hereof (hereinafter collectively referred to as the "Drawings").

DOCKETED

APR 27 2006

5. The County of Will at the request of the City of Joliet also requests the installation of supplemental pedestrian warning devices at the crossing on the north side of Caton Farm Road, linking two sidewalks in the roadway right of way, and at the multi-use path along the south side of Caton Farm Road, linking two multi-use paths in the roadway right of way, at the proposed vehicular crossing as shown in the Drawings. Letter request by City of Joliet is enclosed as shown in Exhibit "D".

Once the segment of Caton Farm Road between County Line Road and Drauden Road, which includes the Elgin, Joliet and Eastern Railway at-grade crossing, is constructed, the City of Joliet will then take over jurisdiction and future maintenance of Caton Farm Road from County Line Road to Illinois Route 59.

6. If approved and constructed, the County of Will, will reimburse the Elgin, Joliet and Eastern Railway Company for all costs incurred for the engineer and installation of the proposed vehicular crossing, supplemental pedestrian warning devices for the sidewalk and multi-use path crossings as shown on the Drawings.

The City of Joliet will reimburse the County of Will for its share of the costs, engineering and installation, for the supplemental pedestrian warning devices.

7. If the Commission determines that upgrading of the existing active railroad warning devices (active crossing protection consisting of automatic flashing light signals and gates) at the new crossing are in the interest of public safety, the cost of engineering and installing such railroad warning system should be fairly allocated to the Grade Crossing Protection Fund, the Railroad and the County of Will.
8. The County of Will requests that two permanent easements and three temporary construction easements required for the crossing work be considered as part of this petition. The legal descriptions for the two permanent easements are shown in Exhibits "C-1" and "C-2" and the three temporary construction easements are shown in Exhibits "C-3", "C-4" and "C-5" with the copy of the plat for these easements as shown in Exhibit "C-6". The County has been unable to acquire a clear title to this property owned by the Railway Company, which is required for the project. The County, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of the State.
9. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires the County to obtain approval of the Commission prior to the taking or damaging of the Railway Company's property described in the aforementioned Exhibits.

10. That the existing railroad traffic at this crossing is of low volume, comprised of freight trains traveling at slow speeds.
11. Petitioner proposes, therefore, to construct an at-grade vehicular, pedestrian and multi-use pathway crossings across the Elgin and Eastern Railway Company track to provide for the public health, safety, welfare and convenience in the manner and upon the terms as shown on the Drawings.
12. The County is anticipating constructing the improvement including all work at the company's at-grade crossing in 2008.
13. Petitioner requests that its proposed Drawings be approved by the Commission as complying with any requirements.
14. Petition agrees to accept service by electronic means as provided for in Section 200.1050.

"WHEREFORE, the County requests the Commission schedule a hearing in its Chicago Office and enter an Order authorizing the use of eminent domain, the widening of the roadway, the addition of a sidewalk and multi-use path and the installation of pedestrian gates associated with the reconstruction of the Caton Farm Road at-grade crossing with the E.J. & E. Railway Company in the City of Joliet, Will County"

Respectfully Submitted,

County of Will, a body politic and corporate

By Sheldon C. Latz
Sheldon, C. Latz, County Engineer

April 24, 2006

SERVICE LIST
ILLINOIS COMMERCE COMMISSION
DOCKET NO.

Mr. Arthur Schultz
Mayor
City of Joliet
150 W. Jefferson Street
Joliet, IL 60432

Mr. James Trizna, P.E.
Public Works Administrator
City of Joliet
921 E. Washington Street
Joliet, IL 60433

Mr. Mark A. Paull
Project Engineer
Elgin, Joliet and Eastern Railway Company
1141 Maple Road
Joliet, IL 60432

Mr. Charles Ingersoll
Bureau of Local Roads & Streets
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

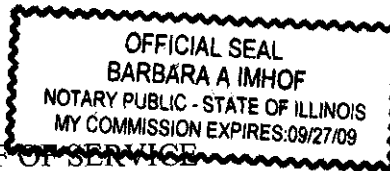
VERIFICATION

I, Sheldon C. Latz, P.E., P.L.S., first being duly sworn on oath, depose and say that I am duly appointed as County Engineer, Will County, Illinois and that I have read the foregoing Petition, know the contents thereof, and that the same is true in substance and in fact to the best of my knowledge and belief.

Sheldon C. Latz
Sheldon C. Latz, P.E., P.L.S.

Subscribed and sworn before me
this 24th day of April, 2006.

Barbara A Imhof
NOTARY PUBLIC



PROOF OF SERVICE

I, Sheldon C. Latz, P.E., P.L.S., County Engineer, Will County Department of Highways, certify that I have served copies of this Petition to the persons listed on the attached Service List at the addresses indicated, by depositing the same in the U.S. Mail, postage fully prepaid, at Joliet, Illinois before 5:00 P.M. on Apr. 1 24 2006.

Sheldon C. Latz
Sheldon C. Latz, P.E., P.L.S.

EXHIBIT "A"

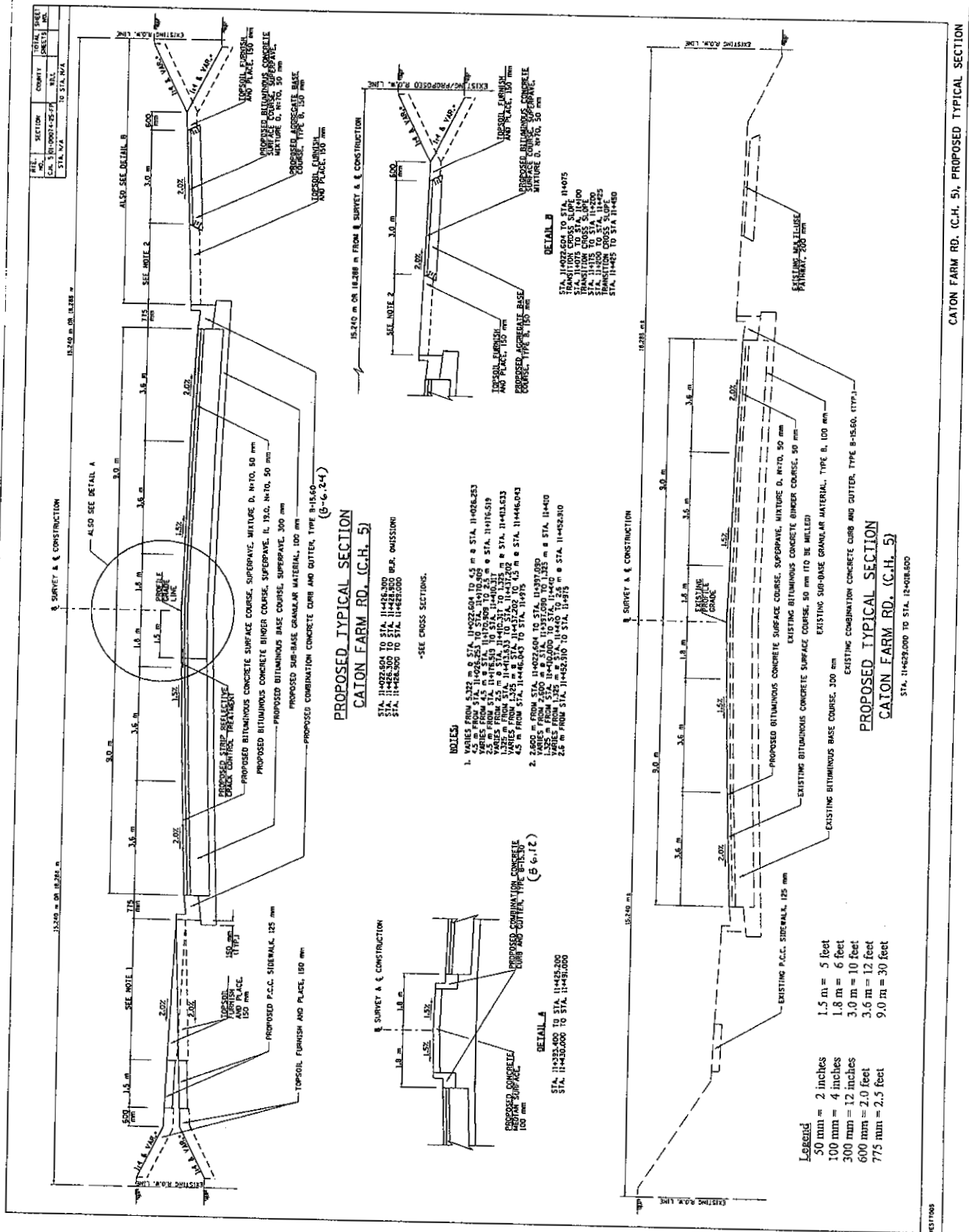
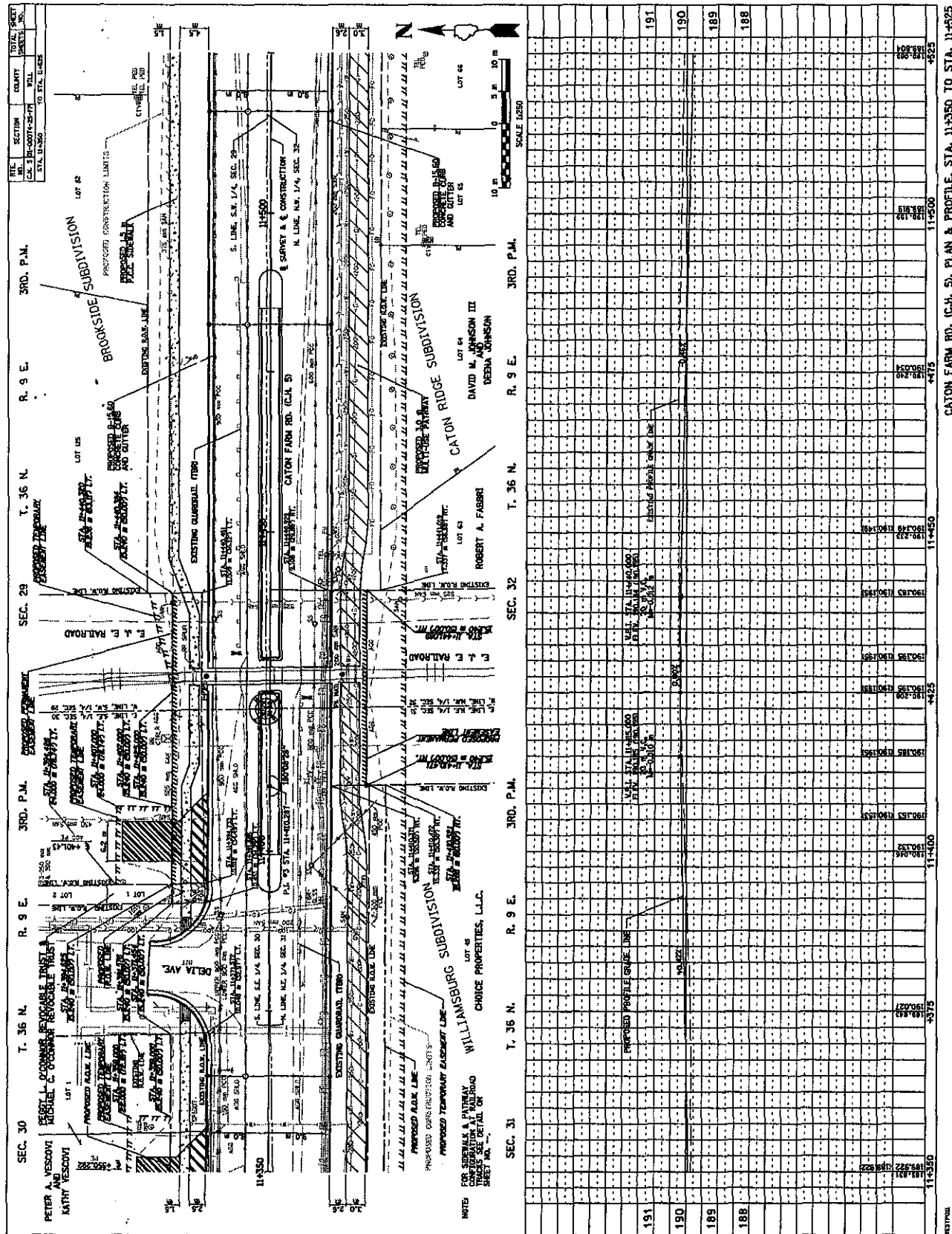
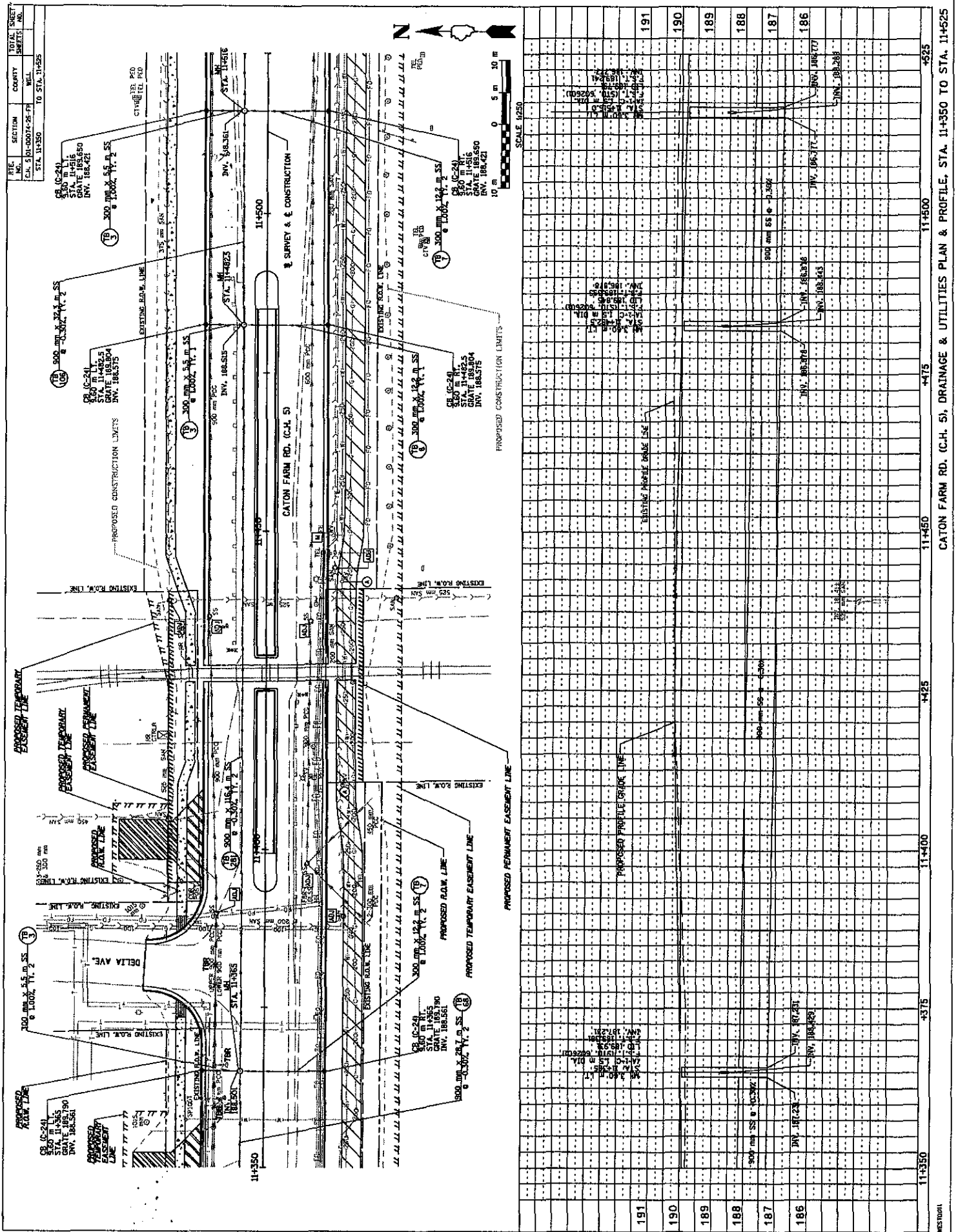
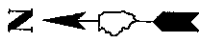


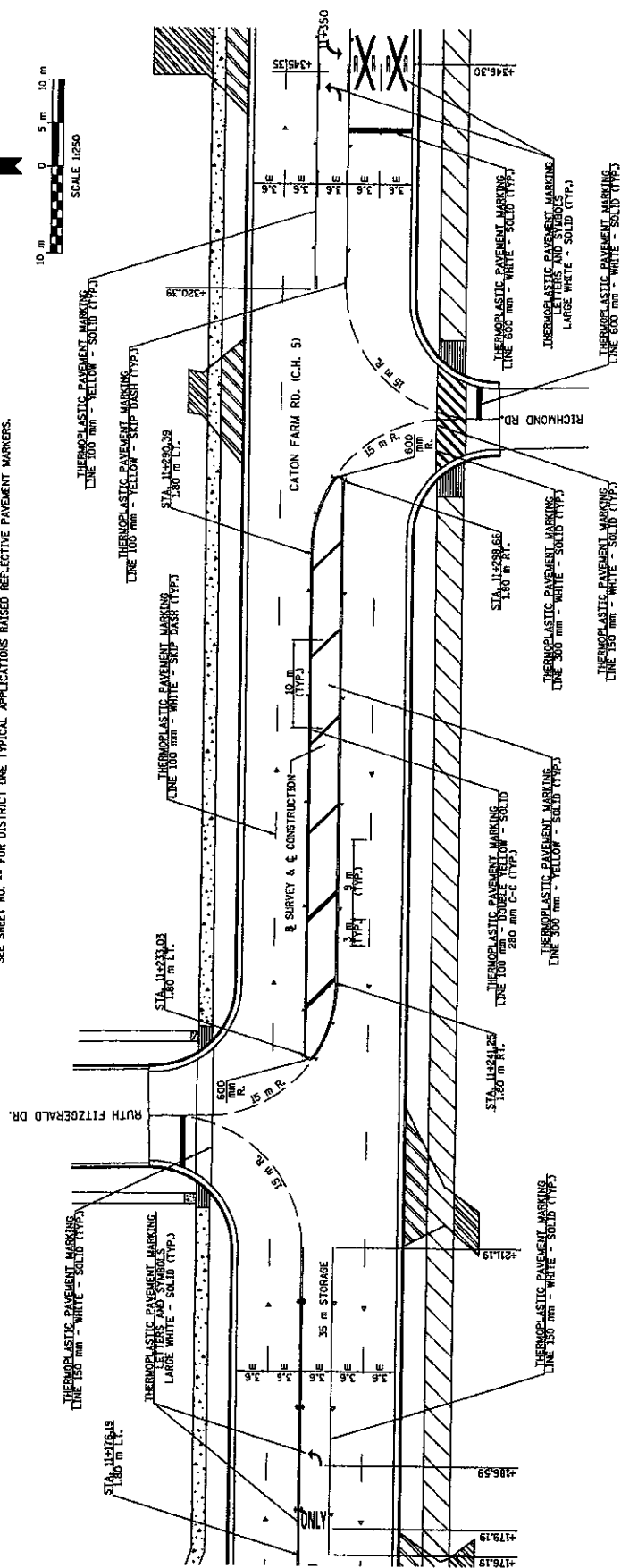
EXHIBIT "B"







SEE SHEET NO. -- FOR DISTRICT ONE TYPICAL PAVEMENT MARKINGS.
SEE SHEET NO. -- FOR DISTRICT ONE TYPICAL APPLICATIONS RAISED REFLECTIVE PAVEMENT MARKERS.

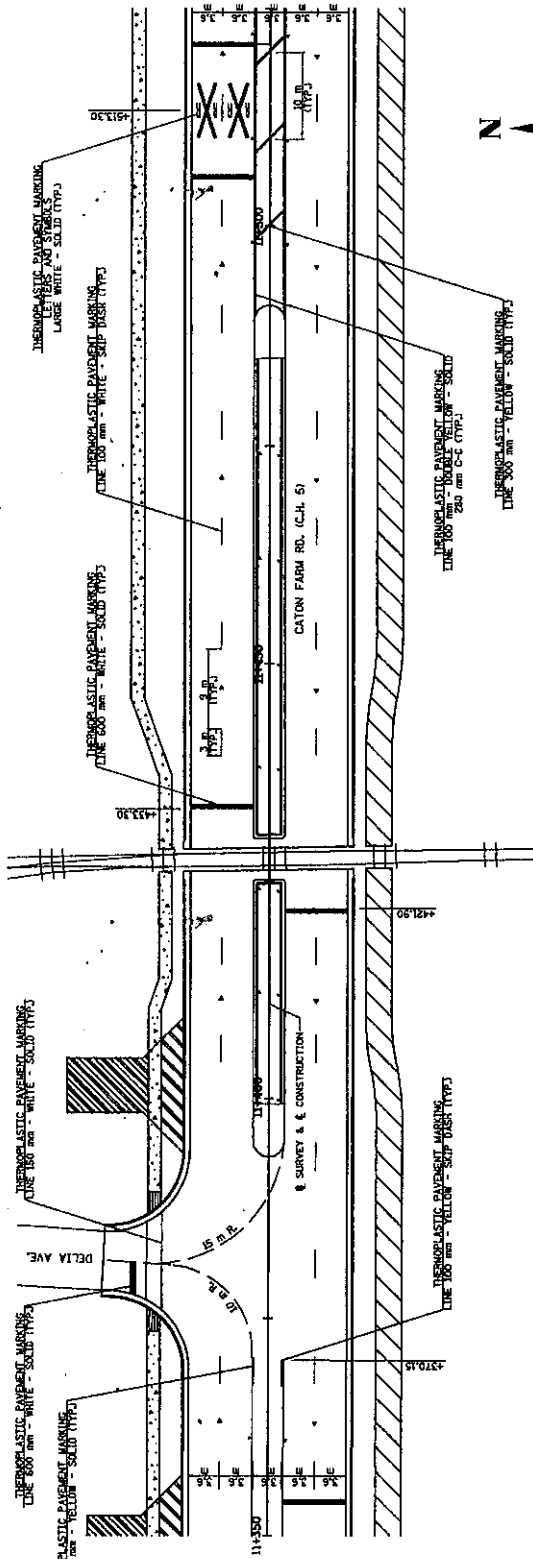


WESTWOODS

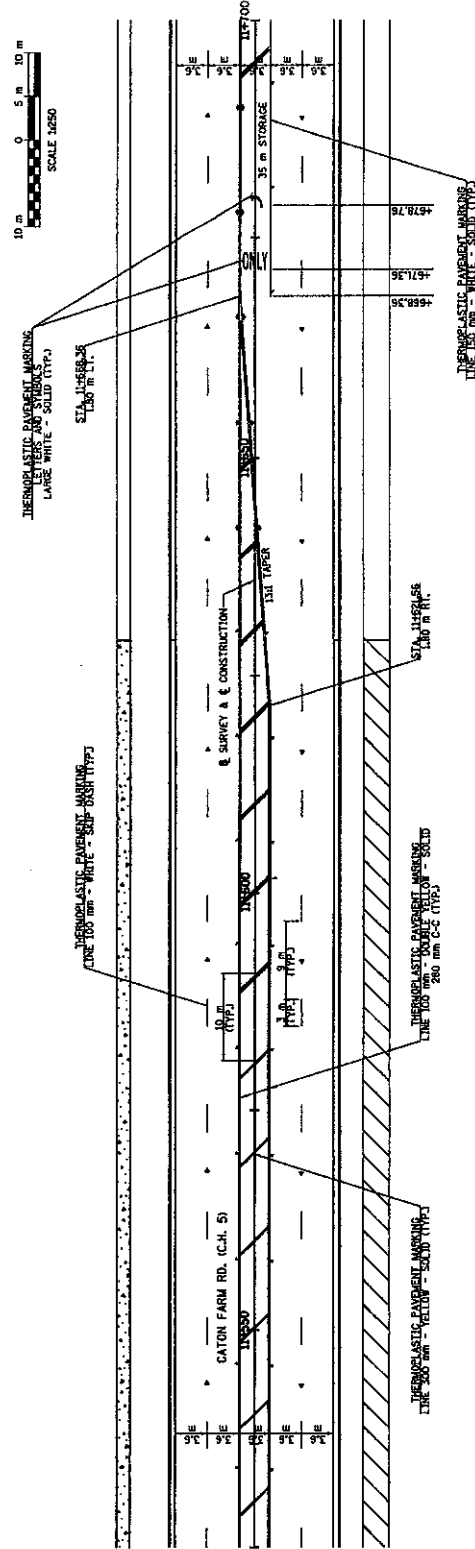
CATON FARM RD. (C.H. 5), PAVEMENT MARKING PLAN, STA. 11+000 TO STA. 11+350

EXHIBIT "B"

SHEET NO.	SECTION	COUNTY	STATE
11-350	11-350	ILL.	ILL.
11-350	11-350	ILL.	ILL.



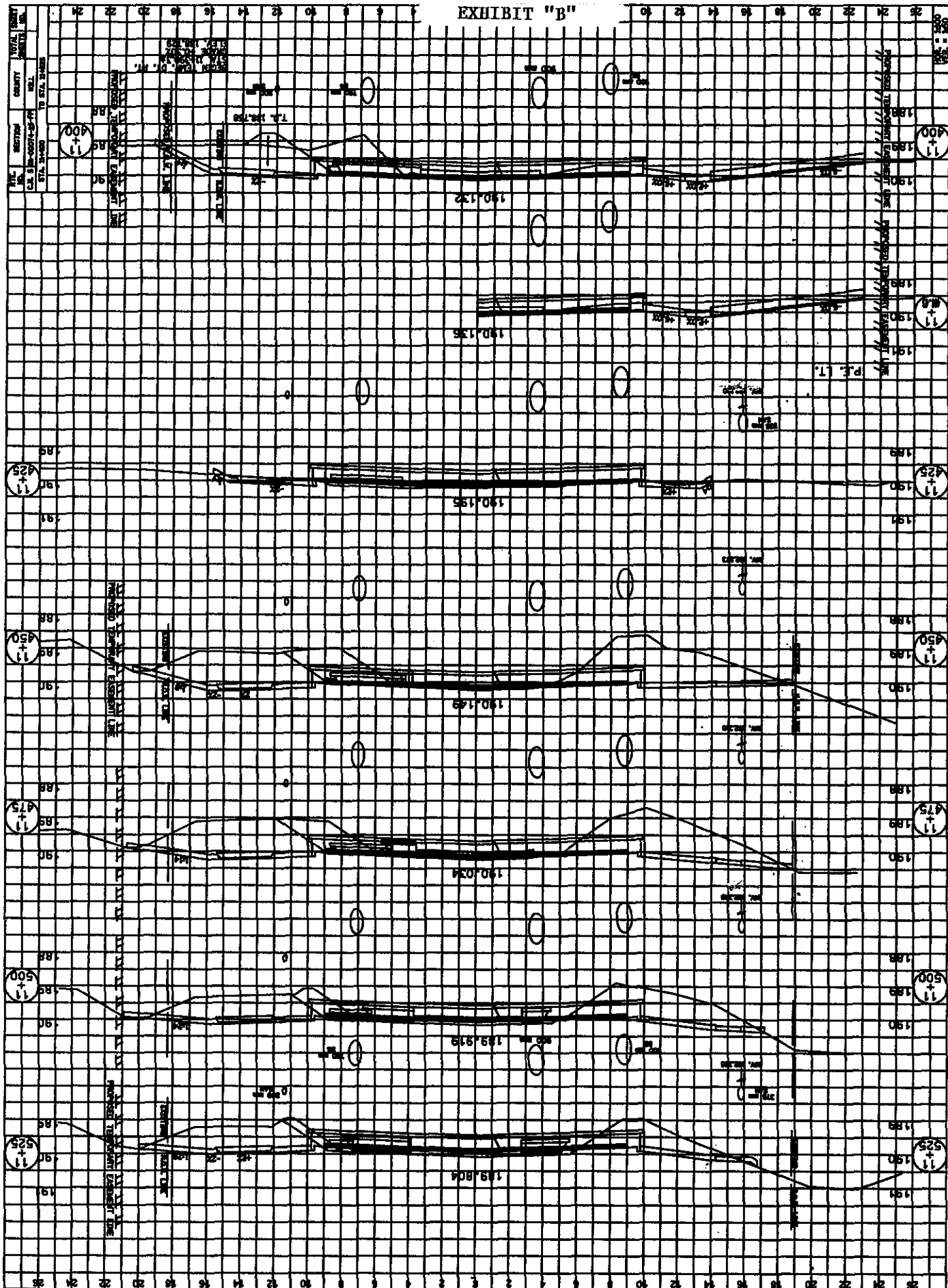
NOTES
SEE SHEET NO. 11-350 FOR DISTRICT ONE TYPICAL PAVEMENT MARKINGS.
SEE SHEET NO. 11-350 FOR DISTRICT ONE TYPICAL APPLICATIONS BASED REFLECTIVE PAVEMENT MARKINGS.



CATON FARM RD. (C.H. 5), PAVEMENT MARKING PLAN, STA. 11+350 TO STA. 11+700

WESTMOORE

EXHIBIT "B"



CATON FARM RD. (C.H. 5), CROSS SECTIONS, STA. 11+400 TO STA. 11+525

1000-0000

EXHIBIT C-1

Owner(s): Elgin, Joliet and Eastern Railway Company
Route: Caton Farm Road (C.H. 5)
Section: 01-00074-25-FP
County: Will
Job No: R-**-***-**
Parcel No: 0000023PE1
Station 11+410.371 to Station 11+440.984
Index No: 03-31-500-001
03-32-500-001

A part of a tract of land as conveyed by Warranty Deed recorded June 21, 1888 as Document 148538 in the Recorder's Office of Will County, being part of the Northwest Quarter of Section 32, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, and part of a tract of land as conveyed by Quit Claim Deed recorded October 4, 1890 as Document 159297 in the Recorder's Office of Will County, being part of the Northeast Quarter of Section 31, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, more particularly described as follows:

Commencing at the northeast corner of Lot 45 in Williamsburg Subdivision, Unit 3 according to the plat thereof recorded May 17, 1989 as Document R89-23407 in the Recorder's Office of Will County; thence on an assumed bearing of North 00 degrees 57 minutes 56 seconds West 0.30 feet along the westerly railroad right of way line to the Point of Beginning; thence North 00 degrees 57 minutes 56 seconds West 19.50 feet along the westerly railroad right of way line to the southerly existing right of way line of Caton Farm Road (C.H. 5); thence North 88 degrees 59 minutes 07 seconds East 39.71 feet along said southerly existing right of way line; thence South 89 degrees 56 minutes 25 seconds East 60.40 feet along said southerly existing right of way line to the easterly railroad right of way line; thence South 00 degrees 57 minutes 56 seconds East 20.12 feet along the easterly railroad right of way line; thence South 89 degrees 59 minutes 25 seconds West 100.11 feet to the Point of Beginning.

Said parcel containing 0.046 acre, more or less.

EXHIBIT C-2

Owner(s): Elgin, Joliet and Eastern Railway Company
Route: Caton Farm Road (C.H. 5)
Section: 01-00074-25-FP
County: Will
Job No: R-**-***-**
Parcel No: 0000023PE2
Station 11+394.642 to Station 11+440.546
Index No: 03-29-500-001
03-30-500-001

A part of a tract of land as conveyed by Warranty Deed recorded June 21, 1888 as Document 148538 in the Recorder's Office of Will County, being part of the Southwest Quarter of Section 29, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, and part of a tract of land as conveyed by Quit Claim Deed recorded October 4, 1890 as Document 159297 in the Recorder's Office of Will County, being part of the Southeast Quarter of Section 30, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, more particularly described as follows:

Beginning at the southeast corner of Lot 1 in Block 5 of Caton Farm Subdivision, according to the plat thereof recorded October 25, 1889 as Document 154531 in the Recorder's Office of Will County, thence on an assumed bearing of North 00 degrees 57 minutes 56 seconds West 15.52 feet along the westerly railroad right of way line; thence South 89 degrees 52 minutes 05 seconds East 51.27 feet; thence North 89 degrees 59 minutes 25 seconds East 98.98 feet to the easterly railroad right of way line; thence South 00 degrees 57 minutes 56 seconds East 13.88 feet along the easterly railroad right of way line to the northerly existing right of way line of Caton Farm Road (C.H. 5); thence North 89 degrees 56 minutes 25 seconds West 59.84 feet along said northerly existing right of way line; thence South 88 degrees 59 minutes 07 seconds West 90.40 feet along said southerly existing right of way line to the Point of Beginning.

Said parcel containing 0.049 acre, more or less.

EXHIBIT C-3

Owner(s): Elgin, Joliet and Eastern Railway Company
Route: Caton Farm Road (C.H. 5)
Section: 01-00074-25-FP
County: Will
Job No: R-**-***-**
Parcel No: 0000023TE1
Station 11+410.471 to Station 11+441.086
Index No: 03-31-500-001
03-32-500-001

A part of a tract of land as conveyed by Warranty Deed recorded June 21, 1888 as Document 148538 in the Recorder's Office of Will County, being part of the Northwest Quarter of Section 32, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, and part of a tract of land as conveyed by Quit Claim Deed recorded October 4, 1890 as Document 159297 in the Recorder's Office of Will County, being part of the Northeast Quarter of Section 31, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, more particularly described as follows:

Beginning at the northeast corner of Lot 45 in Williamsburg Subdivision, Unit 3 according to the plat thereof recorded May 17, 1989 as Document R89-23407 in the Recorder's Office of Will County; thence on an assumed bearing of North 00 degrees 57 minutes 56 seconds West 0.30 feet along the westerly railroad right of way line; thence North 89 degrees 59 minutes 25 seconds East 100.11 feet to the easterly railroad right of way line; thence South 00 degrees 57 minutes 56 seconds East 20.00 feet along the easterly railroad right of way line; thence South 89 degrees 59 minutes 25 seconds West 100.11 feet to the westerly railroad right of way line; thence North 00 degrees 57 minutes 56 seconds West 19.70 feet along the westerly railroad right of way line to the Point of Beginning.

Said parcel containing 0.046 acre, more or less.

EXHIBIT C-4

Owner(s): Elgin, Joliet and Eastern Railway Company
Route: Caton Farm Road (C.H. 5)
Section: 01-00074-25-FP
County: Will
Job No: R-**-***-**
Parcel No: 0000023TE2
Station 11+394.474 to Station 11+407.000
Index No: 03-30-500-001

A part of a tract of land as conveyed by Quit Claim Deed recorded October 4, 1890 as Document 159297 in the Recorder's Office of Will County, being part of the Southeast Quarter of Section 30, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, more particularly described as follows:

Commencing at the southeast corner of Lot 1 in Block 5 of Caton Farm Subdivision, according to the plat thereof recorded October 25, 1889 as Document 154531 in the Recorder's Office of Will County; thence on an assumed bearing of North 00 degrees 57 minutes 56 seconds West 15.52 feet along the westerly railroad right of way line to the Point of Beginning; thence North 00 degrees 57 minutes 56 seconds West 28.75 feet along the westerly railroad right of way line; thence South 89 degrees 52 minutes 05 seconds East 41.09 feet; thence South 00 degrees 07 minutes 55 seconds West 28.74 feet; thence North 89 degrees 52 minutes 05 seconds West 40.54 feet to the Point of Beginning.

Said parcel containing 0.027 acre, more or less.

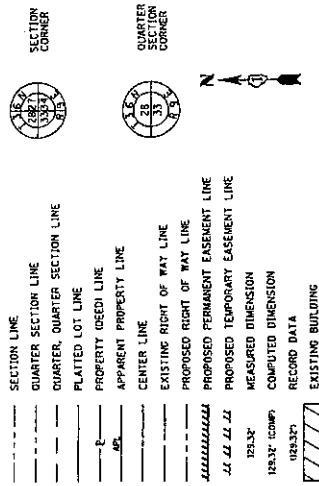
EXHIBIT C-5

Owner(s): Elgin, Joliet and Eastern Railway Company
Route: Caton Farm Road (C.H. 5)
Section: 01-00074-25-FP
County: Will
Job No: R-**-***-**
Parcel No: 0000023TE3
Station 11+425.000 to Station 11+440.475
Index No: 03-29-500-001

A part of a tract of land as conveyed by Warranty Deed recorded June 21, 1888 as Document 148538 in the Recorder's Office of Will County, being part of the Southwest Quarter of Section 29, Township 36 North, Range 9 East of the Third Principal Meridian, Will County, Illinois, more particularly described as follows:

Beginning at the southwest corner of Lot 125 in Brookside Subdivision, Phase III, according to the plat thereof recorded April 5, 2002 as Document R2002-59128 in the Recorder's Office of Will County; thence on an assumed bearing of South 00 degrees 57 minutes 56 seconds East 13.12 feet along the easterly railroad right of way line; thence South 89 degrees 59 minutes 25 seconds West 50.77 feet; thence North 75 degrees 26 minutes 27 seconds East 52.23 feet to the Point of Beginning.

Said parcel contains 333 square feet, 0.008 acre, more or less.



- IRON PIPE OR ROD FOUND
- CUT CROSS FOUND OR SET
- P.K. NAIL FOUND OR SET
- % INCH REBAR SET
- % INCH SET

1. THESE STAKES REFERENCE FOUND OR SET MONUMENTATION. SET % INCH

2. IRON ROD PLUGS WITH BEARING SURVIVORS REGISTRATION NUMBER.

3. COLORED PLASTIC CAP BEARING SURVIVORS REGISTRATION NUMBER.

• BIT THESE STAKES, IN CULTIVATED AREAS, REFERENCE FOUND OR SET MONUMENTATION. SET MONUMENTATION REFERENCE TO THE

• BIT IRON TENDON STAKES IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVIVORS REGISTRATION NUMBER.

MARKER TO MONUMENT THE POSITION SHOWN. IDENTIFIED BY INSCRIPTION DATA AND SURVEYORS REGISTRATION NUMBER.

* 14 STAKING OF PROPOSED RIGHT-OF-WAY IN CULTIVATED AREAS. BURIED 5/8 INCH METAL ROD 20 INCHES BELOW GROUND TO MARK FUTURE SURVEY MARKER POSITION, IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEY REGISTRATION NUMBER.

PERMANENT SURVEY MARKER, I.D.O.T. STD. 2135 (TO BE SET BY OTHERS)

☐ RIGHT-OF-WAY STAKING PROPOSED (TO BE SET)

STATE OF ILLINOIS)
)

STATE OF ILLINOIS,
COUNTY OF MORGAN;

THIS IS TO CERTIFY THAT I, TIMOTHY C. QUINN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED THE PLAT OF TOWNSHIP 23 NORTH, RANGE 12 EAST, OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY, THAT ALL MONUMENTS FOUND AND ESTABLISHED BY THE PLAT ARE TRUE AND CORRECTLY LOCATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED, HAVE THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, RECORDED.

DATED AT JACKSONVILLE, ILLINOIS THIS THE 22ND DAY OF MARCH 2004 A.D.

Timothy C. Quigg
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3063
TIMOTHY C. QUIGG

NOTES: ALL STATIONS AND OFFSETS ARE FROM THE BASELINE OF SURVEY.

ALL BEARINGS ARE ON AN ASSUMED BASIS. FOR THIS PROJECT THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 23 IS ASSUMED TO BE: N 90°00'00" E.

HUTCHISON ENGINEERING, INC.
339 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60435

ILLINOIS DEPT. OF TRANSPORTATION
PLAT OF HIGHWAYS

ROUTE F.A.U. 292 (C.H. 5) CATON FARM RD.
SECTION: 01-00074-25-FP
COUNTY: WILL

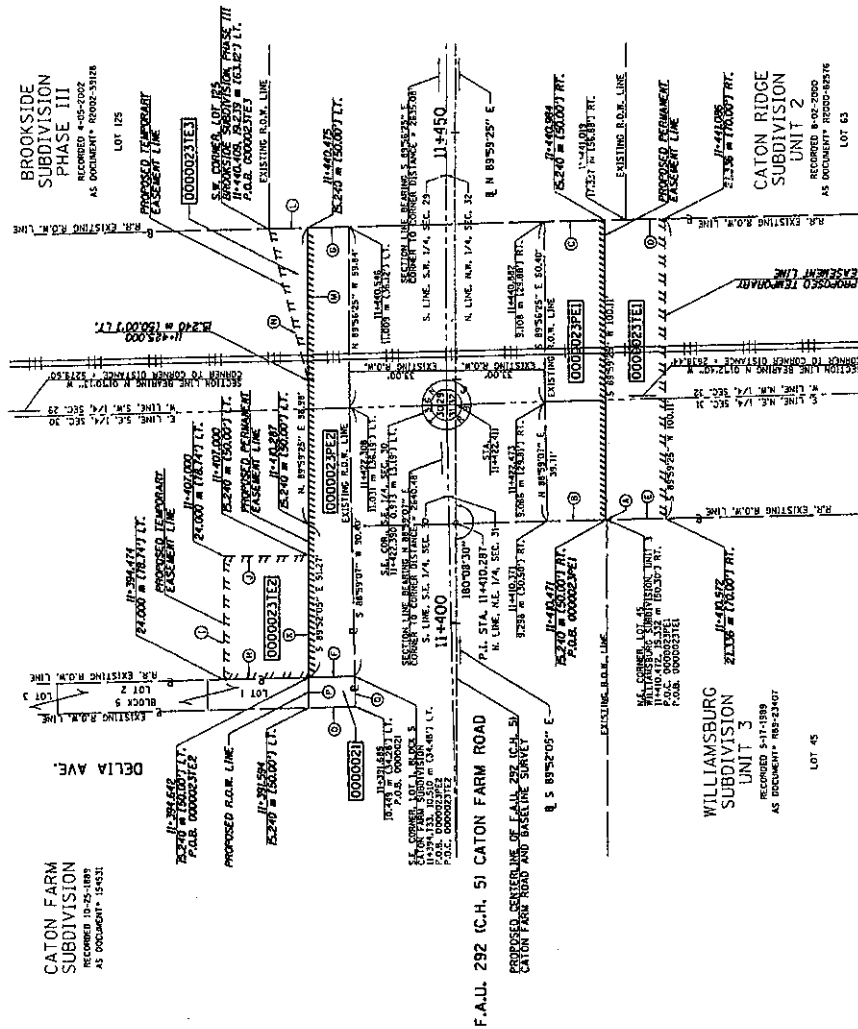
JOB# PROJECT#
SEC. 29,30,31,32 T 36 N, R 9 E, OF 3RD P.M.
STA. 11+391.594 TO STA. 11+441.086
DRAWN: SRH CHECKED: CAY, TCO
SCALE: 1"=20' SHEET NO. 16 OF 16

LICENSE EXPIRES 11/30/04



LINE		LEGEND
A	0.0P	N 00°51'55"E
B	0.50E	N 00°51'28"E
C	2.01E	S 00°51'34"E
D	28.00W	S 00°51'55"E
E	19.10W	N 00°51'56"E
F	15.52E	N 00°51'55"E
G	13.88E	S 00°51'55"E
H	28.15E	N 00°51'55"E
I	41.09E	S 00°51'55"E
J	28.74E	S 00°51'55"E
K	40.15E	N 00°51'55"E
L	13.12E	S 00°51'55"E
M	50.17E	S 00°51'55"E
N	15.23E	S 00°51'55"E
O	15.97E	N 00°51'55"E
P	10.00E	S 00°51'55"E
Q	10.00E	S 00°51'55"E

EXISTING R.O.W. INFORMATION		
INSTRUMENT	DOCUMENT NO.	DATE OF RECORD
CATON FARM ROAD DEDICATION	COUNTY COMMISSIONERS COURT RECORD BOOK "B" PAGE 34-35	03-06-1844
CATON FARM SUBDIVISION	354531	10-25-1893



PARCEL	OWNER	PERMANENT TAX NUMBER	TOTAL HOLDING AREA		PREVIOUSLY DEDICATED		REMAINDER		EASEMENT PURPOSE	ACQUIRED BY
			ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.		
000000021	REGINA L. O'CONNOR REVOCABLE TRUST & MICHAEL C. O'CONNOR REVOCABLE TRUST	03-30-403-002	0.313	156,330 FT.	N/A		0.309	N/A	N/A	
00000023PE1		03-29-500-001						0.046	ROADWAY CONSTRUCTION	
00000023PE2		03-30-500-001						0.048	GRADING	
00000023TE1	ELGIN, JULET AND EASTERN RAILWAY COMPANY	03-31-500-001	N/A		N/A		N/A	0.021	ENTRANCE CONSTRUCTION	
00000023TE2		03-32-500-001						0.008	GRADING	
00000023TE3								50 FT.		

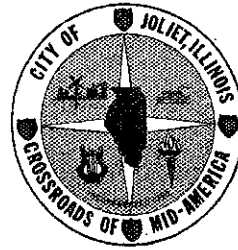
DEPARTMENT OF
PUBLIC WORKS AND UTILITIES

OFFICE: (815) 724-4200

FAX: (815) 723-7770

EXHIBIT "D"

CITY OF



JOLIET

April 4, 2006

150 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60432-4158

Reply to: 921 E. Washington Street
Joliet, IL 60433-1267

Will County Department of Highways
16841 W. Laraway Road
Joliet, Illinois 60433

ATTN: George Catalano, P.E.

RE: Caton Farm Road Reconstruction Project

Dear Mr. Catalano:

As part of the final phase to reconstruct Caton Farm Road between Illinois Route 59 and County Line Road, the crossing with the EJ&E Railway Company will need to be improved. In order to provide a safer crossing for pedestrians and the multi-use path users, the City of Joliet requests that warning gates be installed for the sidewalk on the north side of Caton Farm Road and the multi-use path on the south side of Caton Farm Road.

If you should have any questions or require any additional information, please feel free to contact me at (815) 724-4200.

Sincerely,

Dennis L. Duffield
for DLD

Dennis L. Duffield, P.E.
Director of Public Works and Utilities

DLD:ral

Cc: James R. Trizna, P.E., Public Works Administrator
Russell A. Lubash, P.E., Traffic Engineer
File Copy
Chrono Copy